

## **Attachment 5**

HEALY & BAILLIE, LLP  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IROQUOIS GAS TRANSMISSION SYSTEM L.P.,

Plaintiff,

-against-

ASSOCIATED ELECTRIC & GAS INSURANCE  
SERVICES LTD., Hamilton, Bermuda; CERTAIN  
UNDERWRITERS AT LLOYD'S; AON RISK  
SERVICES OF TEXAS, INC.; and AMERICAN  
HOME ASSURANCE CO.,

Defendants.

(ECF Case)

05 Civ. 2149 (JSR)

**AFFIDAVIT OF MICHELLE L.  
WIELER**

Michelle L. Wieler, being duly sworn, deposes and says:

1. I am employed by Iroquois Gas Transmission System L.P. ("Iroquois") as an accountant. My duties have included maintaining insurance policies carried by Iroquois and providing input as to insurance required to be carried by its contractors and subcontractors.

2. I was involved to a limited extent in some of the negotiations that took place between Iroquois and Horizon Offshore Contractors, Inc. ("Horizon"), insofar as they pertained to insurance, prior to finalizing the April 12, 2002 contract that called for

the construction of an undersea natural gas pipeline extension from Northport, Long Island, New York to Hunts Point, New York.

3. I specifically recall that a prior version of the contract required Horizon to maintain every line of insurance, including "builders' risk" insurance applicable to the pipeline project itself.

4. Horizon objected that Iroquois could obtain "builders' risk" insurance more readily than Horizon. As a result, the contract was changed to make Iroquois responsible for procuring the builders' risk coverage.

5. Iroquois and Horizon allocated the duty to maintain insurance against various risks in the Construction Contract. The policies that were purchased were intended to protect all parties in the undertakings set out in the Construction Contract.

  
Michelle L. Wieler

Sworn to before me this 16<sup>th</sup> day  
of August 2005

  
Notary Public

**SUSAN M. DELEON**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES JULY 31, 2010